IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 4TH JULY, 2007 / 13TH ASHADHA, 1929

WP(C).No. 20549 of 2007(U)

PETITIONER:

M.N.HASSANKUTTY HAJI,
S/O.KUNHAHAMMED HAJI, MARAKKARAKATH, NECHAT,
VALAVANNUR VILLAGE, TIRUR TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
MALAPPURAM.

3. THE TAHSILDAR, TIRUR,
MALAPPURAM DISTRICT.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 20549 OF 2007 - U

Dated this the 4th day of July, 2007

J U D G M E N T

The petitioner challenges Ext.P8 show cause notice issued under the Kerala Land Conservancy Act. The contention of the petitioner is that the petitioner has already filed an application for assignment and this Court has, by Ext.P7 judgment dated 8.10.2002 in O.P.No.29121 of 2002, directed the appropriate authority under the Kerala Land Assignment Rules to consider the application of the petitioner for assignment and pass orders thereon. The petitioner contends that till now, no orders have been passed pursuant to Ext.P7. The petitioner therefore contends that without passing orders pursuant to Ext.P7, issue of Ext.P8 notice for eviction is clearly unwarranted.

2. I have heard the learned Government Pleader also.

3. In so far as Ext.P8 is a show cause notice to which the petitioner has filed objection raising all his contentions, I do not think that it is necessary to interfere

with Ext.P8 at this stage. Accordingly, I direct the petitioner to file objections to Ext.P8 within a period of one week from today. On receipt of the same, the third respondent shall hear the petitioner by affording him an opportunity to adduce evidence and pass a speaking order considering all the contentions of the petitioner. Till orders are thus passed, the petitioner shall not be evicted from the property in question.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007